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out notice of defects in the title of the transferrer, the *bona fides* of the transaction has been finally laid down as the decisive test and the weight of authority. 1 DANIEL, NEG. INST. (Ed. 5) § 775; *Hamilton* v. *Vought*, 34 N. J. L. 187; *Hamilton* v. *Marks*, 63 Mo. 167. The doctrine, which prevailed for some time, both in England and America, that knowledge of suspicious circumstances sufficient to put an ordinarily prudent and careful man on inquiry would be conclusive evidence of bad faith, has been universally abandoned. *Goodman* v. *Harvey*, 4 Ad. & El. 870; *Smith* v. *Livingston*, 111 Mas. 342; *Phelan* v. *Moss*, 67 Pa. 59. In the case of *Hamilton* v. *Vought, supra*, the various rules which existed from time to time are discussed with considerable clearness, and the authorities are fully collated, from which the court comes to the conclusion that the "suspicious circumstances" rule is inconsistent with true commercial policy. In the principal case the court said that "we are not unaware of the fact that checks are not infrequently drawn and delivered to the payee, not to be immediately presented for payment, when the drawer has not funds but intends to have at the time the check is presented." The only case cited by the court to sustain its holding is *Matlock* v. *Scheuerman*, 51 Or. 49, in which the indorsee was also requested to wait two or three days before presenting the check for payment. This case, however, differs from the principal case in that the indorsee did not have actual knowledge that there were no funds on deposit; but it is reasonable to suppose that a request to delay presentment would convey knowledge that such was the fact. The court correctly remarks that "we cannot see that the transaction carries a more distinct warning of fraud than would a postdated check." The fact that a check is postdated will not prevent the holder from being a *bona fide* purchaser for value. *Mayer* v. *Mode*, 14 Hun 155; *Bill* v. *Stewart*, 156 Mass. 508. As bearing upon the question as to what constitutes a *bona fide* holder see 5 MICH. L. REV. 466.

CARRIERS—DUTY TO PROTECT PASSENGERS.—In an altercation between a passenger and a street car crew, the motorman threw the controller lever at the passenger, who had left the car; whereupon the latter shot into the car, killing another passenger, the plaintiff's intestate. Plaintiff sues the street car company. *Held*, "in thus precipitating the difficulty the motorman was violating the duty owed to the passengers, of protection, and for the result, the defendant became liable." *Gooch* v. *Birmingham Ry., Light and Power Co.* (Ala. 1912) 58 South. 196.

The facts in the case of *Penney* v. *Atlantic Coast Line R. Co.*, 133 N. C. 221, 45 S. E. 563, 63 L. R. A. 497 are similar to those given above, the court there holding the defendant liable on the same ground. It is incumbent on the railroad company to exercise the very highest degree of care in the protection of its passengers from the wrongful acts of co-passengers; *Louisville, etc. R. Co.* v. *Finn*, 16 Ky. L. R. 57; *Pittsburg, etc. R. Co.* v. *Pillow*, 76 Pa. St 510, 18 Am. Rep. 424; *Kinney* v. *Louisville, etc. Ry. Co.*, 99 Ky. 59, 34 S. W. 1066; *Texas, etc. R. Co.* v. *Johnson*, 2 Texas Civ. App. 154; *Jansen* v. *Minn. & St. Louis R. Co.*, 128 N. W. 826, 32 L. R. A.

(N. S.) 1206; *Spangler* v. *St. Joseph & G. I .Ry. Co.*, 74 Pac. 607, 68 Kan. 46, 63 L. R. A. 634, 104 Am. St. Rep. 391; *Fewings* v. *Mendenhall*, 88 Minn. 336, 60 L. R. A. 601, 97 Am. St. Rep. 519, 93 N. W. 127; *McQuerry* v. *Metropolitan St. Ry. Co.*, 92 S. W. 912, 117 Mo. App. 255; ELLIS, ST. RY'S, Vol. I (2nd Ed.) § 274, and cases there cited. Some courts hold, however, that only ordinary care is required; *Chicago, etc. R. Co.*, v. *Pillsbury*, 123 Ill. 9, 14 N. E. 23, 5 Am. St. Rep. 483; *Exton* v.*Central R. Co.*, 63 N. J. L. 356, 46 Atl. 1099, 56 L. R. A. 508; *Tall* v. *Baltimore, etc. Co.*, 90 Md. 248, 44 Atl. 1007, 47 L. R. A. 120; *Illinois, etc. R. Co.* v. *Minor*, 69 Miss. 710, 11 South. 401, 16 L. R. A. 627. As to the degree of care required in protecting passengers against the lawless acts of strangers, see 4 ELLIOTT, RAILROADS, § 1591, § 1639. *Missimer* v. *Philadelphia R. R. Co.*, 17 Phila. 172; *Fewing* v. *Mendenhall, supra; Hillman* v. *Georgia R. and Banking Co.*, 126 Ga. 814, 56 S. E. 68.

CONSTITUTIONAL LAW—DIVISION OF POWERS—INFRINGEMENT ON EXECUTIVE. —Plaintiff asked for an injunction to restrain the board of election commissioners, consisting of three members (one of whom was the Governor of the State), from submitting a proposed new constitution to a vote of the people as was provided by law. *Held,* that the duties imposed upon the Governor as a member of the board of election commissioners were ministerial and did not pertain to the functions of the gubernatorial office, and consequently his presence upon that board would not preclude the issuance of the desired writ. *Ellingham, Secretary of State et al.* v. *Dye* (Ind. 1912) 99 N. E. 1.

By granting a restraining order against a board of which the Governor of the State is a member, the court follows the weight of authority on a question which presents irreconcilable conflict. For a collection of cases on the precise point raised in the principal case see 10 MICH. L. REV. 655. While most of the cases which have arisen on the question involved have been in the nature of mandamus proceedings, yet they are in point since the writs of mandamus and injunction are held to be correlative. POMEROY'S, EQUITY JURISPRUDENCE, Vol. I, § 328; *Noble* v. *Union River Logging Ry.*, 174 U. S. 172, 13 Sup. Ct. 273; *Board of Liquidation* v. *McComb*, 92 U. S. 531; *State ex rel. Lamb* v. *Cunningham*, 83 Wis. 90 (127), 51 N. W. 724, 17 L. R. A. 145, 35 Am. St. Rep. 37; *Mott* v. *Pennsylvania R. Co.*, 30 Pa. 9, 72 Am. Dec. 664.

CONSTITUTIONAL LAW—EMINENT DOMAIN—SUPERSEDURE OF ORDINANCE OF 1787.—The Louisville & Nashville Railway Company instituted proceedings for the condemnation of an easement across a waterfront strip of land donated to and used by the city of Cincinnati for a public landing. The city filed a bill asking that the railroad company be enjoined, contending that the statute, under which the proceedings were authorized, was contrary to the Ordinance of 1787 for the Government of the Northwest Territory. *Held,* that the Ordinance of 1787 was not a restriction on the power of eminent domain of the State of Ohio *after* its admission into the Union. *City of Cincinnati* v. *Louisville & Nashville Railroad Co.* (1912) 32 Sup. Ct. 267.